

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-12361-NMG

JOHN NEVULIS  
Plaintiff,

v.

CITY OF BOSTON,  
Defendant.

**DEFENDANT'S SECOND MOTION**  
**TO ENLARGE TIME TO FILE RESPONSIVE PLEADINGS**  
**PURSUANT TO FED.R.CIV.P. 6(B).**

NOW COMES the Defendant, who respectfully moves this Honorable Court pursuant to Fed. R. Civ. P. 6(b) for an extension of time to file a responsive pleading. As grounds for its motion, Defendant states that:

1. Undersigned counsel requires additional time to investigate the Complaint and draft responsive pleadings;
2. The Defendant requests an extension until December 14, 2004, to file a response to Plaintiff's Complaint; and,
3. Allowing this motion will not prejudice any party to the action and permitting the Defendant an extension to file responsive pleadings to Plaintiff's Complaint will further the interests of justice.

WHEREFORE, the Defendant respectfully requests that this Honorable Court allow its motion to extend time to file responsive pleadings, and set the date for filing of responsive pleadings on or before December 14, 2004.

Respectfully submitted,

DEFENDANT, CITY OF BOSTON

Merita A. Hopkins  
Corporation Counsel

By its attorney:

/s/ Kate Cook  
Kate Cook BBO# 650698  
Assistant Corporation Counsel  
City of Boston Law Department  
Room 615, City Hall  
Boston, MA 02201  
(617) 635-4022

#### 7.1 Certification

Undersigned counsel certifies that on December 6 and 7, 2004, pursuant to LR, D. Mass. 7.1(a)(2), she attempted to speak with Plaintiffs' counsel, Francis Harney, Esq., several times via telephone, to ask Plaintiff's counsel to assent to the Defendant's request for more time to file responsive pleadings. However, Defendant's counsel was unable to reach Plaintiff's counsel.

Date: 12/7/04

/s/ Kate Cook  
Kate Cook

